



Frequently Asked Questions about New Water-right and Water Storage Fees

from Ecology's Water Resources Program

In April 2005, Gov. Christine Gregoire signed a new law increasing the fees for applying for water-right applications and storage applications as well as changing how fees for water-rights, water storage and dam-safety inspections are calculated. This is the first time since 1951 that state water-right and storage fees have been amended.

Q: *When did the new fee structure go into effect?*

A: The law increasing fees and updating fee calculations went into effect Monday, July 25, 2005.

Q: *What fees were changed?*

A: Fee changes beginning July 25, 2005, include:

- Raising the fee for preparing and issuing all water-right certificates to \$50. The old fee was \$5.
- Increasing the fee for applying for or recording an assignment of a permit to appropriate water to \$50. The old fee was \$5.
- Raising the minimum filing fee from \$10 to \$50 for new water-right applications and water-storage applications. Under the new fee structure, the maximum application fee to appropriate or store water increased to \$25,000. The fee to appropriate new water is assessed at the rate of \$1 per one hundredth cubic foot per second (cfs) while the fee for new water-storage projects is \$2 per acre-foot of storage.
- Increasing the minimum fee for transferring, changing or amending an existing water-right certificate, permit or claim or a changing an existing water-storage project from \$10 to \$50. Under the new fee structure, the maximum fee for changing an existing water right or water-storage project increased to \$12,500. The fee to change, transfer or amend an existing water-right certificate, permit or claim is now assessed at the rate of 50 cents per one hundredth cfs of water. The fees to change a storage-water right are assessed at the rate of \$1 for each acre foot of water.
- Raising the fee from \$5 a year to \$50 each time an applicant applies to extend the construction schedule. These fees also apply to similar extensions of time requested under a change or transfer authorization.
- Increasing the fee from \$10 to \$50 for a temporary or seasonal change.
- A new fee of \$50 for filing an application to amend a water-right claim filed under RCW 90.14.
- Increasing the fee from \$2 to \$50 for filing and recording a formal protest against granting an application. There is no fee required to submit a comment, by mail or otherwise, regarding an application.

Q: *Are there any fee exemptions?*

A: Yes, there a number of fee exemptions. No fees are required for:

- Water-right change applications involving the donation of a trust water right to the state.
- An application to process a change associated with the acquisition of a trust water right for instream flows or other public purposes.
- Water-right change applications filed with a water conservancy board or for Ecology's review of a water conservancy board's record of decision (ROD).
- Applications for emergency withdrawal authorizations or for temporary drought-related water-right change requests that Ecology receives in an area where a drought emergency is in effect.
- Water right acquisition, storage or change requests filed by a party under a cost-reimbursement agreement entered into under state law (RCW 90.03.265).

Q: *If I filed a water-right or water-storage application with Ecology before July 25, 2005, does the new fee structure apply?*

A: No, the new fees are effective July 25, 2005, and do not affect applications received prior to that date.

Q: *What are the new fees for water-storage projects?*

A: Inspection fees of non-hydropower generating dams and reservoirs changed so the fee is based on the actual cost of the inspection, including expenses. The minimum fee for examining plans and safety specifications for water-storage projects that store 10 or more acre feet of water is at least \$10 or a fee equal to the actual cost of examination.

Q: *Is there an exemption for newer storage facilities?*

A: Yes, there is an exemption. No fees are required for any water-storage project or reservoir that is less than 10 years old, provided that Ecology has already examined and approved the construction plans and specifications for the structure. For dams that are older than 10 but less than 20 years old and had plans approved by the department, Ecology cannot charge a fee greater than that for a significant-hazard dam. Significant-hazard dams are generally defined as dams located upstream of one or two homes that would pose a significant threat to human lives and property if the structures were to fail.

Q: *How should I submit my fees to Ecology?*

A: Fees must be paid by check or money order. The department cannot accept cash and all fees must be collected in advance of any requested action.

Q: *Are any of the fees refundable?*

A: No.

Q: *What happens to the collected money?*

A: Under the new law, 80 percent of the fees will go to the state's general fund. The remaining 20 percent is deposited in a special account that Ecology will use to develop, implement and manage a water-rights tracking system, including a mapping system and a database.

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